In the Supreme Court of the United States

OCTOBER TERM, 1934

No. —, ORIGINAL

THE UNITED STATES OF AMERICA, PLAINTIFF

v.

THE STATE OF ARIZONA, DEFENDANT

MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

Comes now the United States, by its Attorney General and its Solicitor General, and asks leave of the Court to file its bill of complaint against the State of Arizona, submitted herewith.

HOMER S. CUMMINGS,
Attorney General.

J. CRAWFORD BIGGS,
Solicitor General.

JANUARY 1935.

106318—35——1

STATEMENT IN SUPPORT OF MOTION

The purpose of this suit is to restrain and perpetually enjoin the defendant, the State of Arizona, from interfering in any manner whatsoever with the construction, operation, and maintenance of Parker Dam and appurtenant works, by the United States, its officers, agents, and employes.

The State of Arizona asserts the right to prevent the construction of Parker Dam without its consent and has interfered and threatens further interference by the use of all means and force at its command to stop and prevent the construction of said dam.

The question of the right of the United States to construct, operate, and maintain said dam is one which should be determined.

J. CRAWFORD BIGGS,
Solicitor General.

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BILL OF COMPLAINT

The United States of America, by its Attorney General and its Solicitor General, brings this suit against the State of Arizona and alleges and shows as follows:

I

That on or about September 10, 1934, the United States, acting by and through the Federal Emergency Administrator of Public Works and the Secretary of the Interior, pursuant to and by the authority of the Constitution and laws of the United States and particularly the National Industrial Recovery Act (c. 90, 48 Stat. 195) and the Reclamation Act (c. 1093, 32 Stat. 388) and Acts supplementary thereto, commenced the construc-

tion of Parker Dam, a structure hereinafter described, in the main stream of the Colorado River, for the purposes, as hereinafter more fully set forth, of controlling floods and regulating navigation, of irrigating and reclaiming lands within the Colorado River Indian Reservation and certain public lands of the United States, of protecting Federal property from damage by floods, of reregulating the water discharged at Hoover (Boulder) Dam, in such manner as to enable more effective use of said Boulder Dam, and for other public purposes.

II

That Parker Dam is located about 150 miles southwest of said Boulder Dam, shortly below the confluence of the Bill Williams River and the Colorado River, and about 10 miles north of the northern boundary of the Colorado River Indian Reservation, located in the State of Arizona. The eastern abutment of said Dam rests upon public lands of the United States in the State of Arizona and its western abutment rests upon unsurveyed public lands of the United States in the State of California. Pursuant to certain specifications and drawings of the United States Department of the Interior, Bureau of Reclamation, Parker Dam, when completed, will constitute a concrete and steel structure resting upon bed rock at an elevation of 135 feet above sea level, or about 240 feet below the present bed of the Colorado River, and rising to

elevation 501. By means thereof the river level will be raised above said Dam about 72 feet and will provide a reservoir with storage capacity of approximately 717,000 acre-feet and approximately 20 miles in length. It is so located as to intercept all waters discharged at Boulder Dam as well as the inflow of certain tributaries of the Colorado River below Boulder Dam, particularly the Bill Williams River. The Parker Dam is so designed as to permit, when completed, the generation of electric energy at a rate equivalent to approximately 85,000 continuous horsepower and to permit the release of all waters required for navigation, flood control of the Colorado River, and for the irrigation of lands below said Dam. It is estimated that the capacity of the reservoir which will be created by the construction of said Dam will be adequate for the purpose of and has been designed to impound and control the floods of all tributaries between Boulder Dam and Parker Dam, and to equate to an approximately constant flow the daily fluctuations of discharges of water at Boulder Dam necessitated by power generation.

Parker Dam and Reservoir are so located and designed both as to reservoir capacity and outlet works as to be operated in synchronization with Boulder Dam so that Parker Dam will:

1. Reregulate and equate, in aid of navigation and river regulation, the waters discharged at Boulder Dam in response to requirements of flood